

REMARKS

I. Status Of The Claims And The Rejections

Claims 2-9 and 11-21 are pending in the application. Of these claims, claims 6-9, 11, and 14-20 are withdrawn from consideration, and claims 2-5, 12, 13, and 21 have been rejected. Nonetheless, the Office Action also indicates that claims 2-5 and 21 would be allowable if rewritten or amended to overcome an indefiniteness rejection under Section 112.

The Office Action correctly indicates, at paragraph 7 on page 5, that applicant made a provisional election to prosecute the claims directed to the invention identified as Species 1, Figures 1-5, i.e., claims 2-5, 12, 13 and 21. Applicant hereby affirms the election previously made by telephone, and also affirms that claims 6-11 and 14-20 are withdrawn from further consideration.

In the Office Action, claims 4, 12, and 21 were objected to for various formalities, identified in paragraph 8, page 5. Those objections have been overcome via this amendment.

Claims 2-5, 12, 13, and 21 were rejected for alleged indefiniteness under Section 112, for the reasons set forth on pages 6 and 7 of the Office Action. Generally, the Office Action objects to use in the claims of the term "connector" as a structure for removably connecting the head support. Applicant wishes to thank Examiner Ferguson for extending the courtesy of allowing applicant's attorney to discuss, by telephone on Thursday, February 26, 2009, the nature of the Section 112 rejections. Applicant believes that that discussion was helpful in addressing those rejections, and that the claims as amended overcome those rejections.

Substantively, claims 12 and 13 were again rejected for alleged obviousness under Section 103, based on a combination of McFadden and Riach '823. Applicant respectfully traverses this rejection, and requests reconsideration of all pending claims.

II. The Claims Are Patentable

Applicant respectfully disagrees with the characterization in the Office Action of McFadden '728, both in the rejection, in the indication as to allowable subject matter, and in the response to applicant's prior arguments. As for the allowable subject matter, applicant respectfully asserts that claim 21 recites a swivel adapter that is patentably distinct with respect to the cited prior art, including McFadden '728 and Riach '823. Nothing more needs to be said.

To address the alleged indefiniteness rejection of claim 21 under Section 112, applicant has amended claim 21 to clarify some of the details of the head support connector. More particularly, the head support connector is now described as comprising first engagement teeth for engageably contacting like engagement teeth of a head support. Similarly, the first device connector has been further described with respect to having second engagement teeth for engageably contacting like engagement teeth of an additional device. Moreover, the structure and operation of the handle has been clarified, to indicate that the shank is operable to threadably engage the head support, and to cooperate with the head support connector, via the first engagement teeth, to removably secure the head support to the inboard side of the base. This clarifying language has been added to independent claim 21 based on the telephone discussion described above, and particularly on the indication in that conversation that such terminology would overcome the Section 112 rejection identified in the Office Action, and is also supported by the specification.

Based on this amendment to claim 21, applicant respectfully asserts that claim 21 is now allowable, and that dependent claim 2, which depends on claim 21, is also allowable. Dependent claim 3 has been amended to clarify the structural relationship among the handle, the rocker, and the rod, and to omit reference to the first and second shoulders. For substantially the same reasons that claim 21 is now allowable, and also because each

dependent claim recites one or more additional features not taught by the cited prior art, applicant respectfully asserts that each of dependent claims 3, 4, and 5 is also allowable.

As to rejected claims 12 and 13, applicant respectfully disagrees with the Office Action, and the alleged applicability of McFadden '728. Comparing the base handle unit of McFadden '728 with the swivel adapter of the present application is akin to comparing apples to oranges.

More particularly, applicant respectfully asserts again that the shoulders previously recited in claims 12 and 13 (and also previously in claim 3) are not the same as the shoulders asserted in the Office Action to be disclosed in McFadden '728. Nonetheless, applicant has amended claim 12 to omit reference to the first and second shoulders, and to clearly distinguish the subject matter over this interpretation of McFadden '728, as set forth in the Office Action. More particularly, claim 12 has been amended to state that the handle is pivotal about a handle axis relative to the center adapter, that the rocker is pivotal about a rocker axis relative to the center adapter, and that rocker axis and the handle axis are parallel. This is clearly shown in Figs 4 and 5 of the present application, via the orientation of pivot pin 84 aligned along the handle axis and pin 102 aligned along the rocker axis. Pivot pins 84 and 102 are parallel.

In contrast, the Office Action characterizes reference numeral 38 of McFadden '728 as the rocker of claim 12. But McFadden '728 refers to reference numeral 38 as a threaded retaining ring that is secured to the end of a rod 42. This threaded retaining ring 38 is not pivotally connected to anything. That is, the threaded retaining ring 38 of McFadden '728 does not rotate about an axis that is parallel to an axis of rotation of the handle L, as shown in Fig 3 of the McFadden '728.

Applicant respectfully asserts that a person of ordinary skill in the art would not combine McFadden '728 with Riach '823 in the manner suggested in the Office Action.

More importantly, even if a person of ordinary skill in the art were to make such a combination, the resultant hypothetical combination of structural components would not include all of the features now set forth in amended claim 12. For these reasons, claim 12, and likewise dependent claim 13, patentably defines over the prior art of record.

III. Conclusion

Based on the amendments to the claims and the reasons set forth above, applicant respectfully asserts that remaining pending claims 2-5, 12, 13, and 21 are patentable. Applicant respectfully requests an indication of allowance without further delay.

It is believed that no fee is due for this filing. If any fee is deemed due, consider this as an authorization to charge Deposit Account 23-3000 therefore.

Respectfully submitted,
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